



General Assembly

January Session, 2007

***Raised Bill No. 1069***

LCO No. 3738

\*03738\_\_\_\_\_KID\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

***AN ACT CONCERNING EXPANSION OF THE DEPARTMENT OF  
CHILDREN AND FAMILIES' SUBSIDIZED GUARDIANSHIP PROGRAM.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 17a-126 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) As used in this section, "relative caregiver" means a person who  
4 is caring for a child related to such person because the parent of the  
5 child has died or become otherwise unable to care for the child for  
6 reasons that make reunification with the parent not a viable option  
7 within the foreseeable future and "commissioner" means the  
8 Commissioner of Children and Families.

9 (b) The Commissioner of Children and Families shall establish a  
10 [program of] subsidized guardianship program for the benefit of  
11 [children] any child (1) in the care or custody of the commissioner who  
12 [are] is living with a relative [caregivers] caregiver and who [have] has  
13 been in foster care or certified relative care for not less than six, but not  
14 more than eighteen months, [. The commissioner, within available  
15 appropriations, may establish a program of subsidized guardianship

16 for the benefit of children in the care or custody of the commissioner  
 17 who are living with relative caregivers and who have been in foster  
 18 care or certified relative care for not less than six but not more than  
 19 eighteen months] or (2) who is living with a relative caregiver who has  
 20 been appointed guardian or coguardian of the child by any court of  
 21 competent jurisdiction because the parent of the child has died or is  
 22 terminally ill and the child is at risk of foster placement and the income  
 23 of the relative caregiver is less than three hundred per cent of the  
 24 federal poverty level. The commissioner may establish an asset test for  
 25 eligibility under the program that shall apply only to the child's assets.

26 (c) A relative caregiver may request a guardianship subsidy from  
 27 the commissioner, on such form as the commissioner prescribes, in  
 28 accordance with this section. If adoption of the child by the relative  
 29 caregiver is an option, the commissioner shall counsel the caregiver  
 30 about the advantages and disadvantages of adoption and subsidized  
 31 guardianship so that the decision by the relative caregiver to request a  
 32 subsidized guardianship may be a fully informed one.

33 [(c)] (d) The subsidized guardianship program shall provide the  
 34 following subsidies for the benefit of any child [in the care of a relative  
 35 caregiver who has been appointed the guardian or coguardian of the  
 36 child by any court of competent jurisdiction] described in subdivision  
 37 (1) or (2) of subsection (b) of this section: (1) A special-need subsidy,  
 38 which shall be a lump sum payment for one-time expenses resulting  
 39 from the assumption of care of the child when no other resource is  
 40 available to pay for such expense; [and] (2) a medical subsidy  
 41 comparable to the medical subsidy to children in the subsidized  
 42 adoption program if the child lacks private health insurance; [. The  
 43 subsidized guardianship program shall also provide] and (3) a  
 44 monthly subsidy [on behalf of the child] payable to the relative  
 45 caregiver that [shall be] (A) for a child who is described in subdivision  
 46 (1) of subsection (b) of this section, is equal to the prevailing foster care  
 47 rate, and (B) for a child who is described in subdivision (2) of  
 48 subsection (b) of this section, is equal to the prevailing foster care rate

49 less the amount of any benefits for survivors under the Social Security  
50 Act, or federal Social Security disability income that the child receives.  
51 [The commissioner may establish an asset test for eligibility under the  
52 program.]

53 [(d)] (e) The commissioner shall adopt regulations in accordance  
54 with chapter 54 [implementing] to implement the subsidized  
55 guardianship program established under this section. Such regulations  
56 shall require, as a prerequisite to payment of a guardianship subsidy  
57 for the benefit of a minor child, that a home study report be filed with  
58 the court having jurisdiction of the case of the minor within fifteen  
59 days of the request for a subsidy, provided that no such report shall be  
60 required to be filed if a report has previously been provided to the  
61 court or if the caregiver has been determined to be a certified relative  
62 caregiver by the commissioner. The regulations shall also establish a  
63 procedure comparable to that for the subsidized adoption program to  
64 determine the [types and] amounts for each type of subsidy to be  
65 granted by the commissioner as provided in subsection [(c)] (d) of this  
66 section, for annual review of the subsidy as provided in subsection  
67 [(e)] (f) of this section and for appeal from decisions by the  
68 commissioner denying, modifying or terminating such subsidies.

69 [(e)] (f) The guardianship subsidy provided under this section shall  
70 continue until the child reaches the age of eighteen or the age of  
71 twenty-one if such child is in full time attendance at a secondary  
72 school, technical school or college or is in a state accredited job training  
73 program. Annually, the subsidized guardian shall submit to the  
74 commissioner a sworn statement that the child is still living with and  
75 receiving support from the guardian. The parent of any child receiving  
76 assistance through the subsidized guardianship program shall remain  
77 liable for the support of the child as required by the general statutes.

78 [(f)] (g) A guardianship subsidy shall not be included in the  
79 calculation of household income in determining eligibility for benefits  
80 of the relative caregiver of the subsidized child or other persons living

81 within the household of the relative caregiver.

82 [(g)] (h) Payments for guardianship subsidies shall be made from  
 83 moneys available from any source to the commissioner for child  
 84 welfare purposes. The commissioner shall develop and implement a  
 85 plan that: (1) Maximizes use of the subsidized guardianship program  
 86 to decrease the number of children in the legal custody of the  
 87 Commissioner of Children and Families and to reduce the number of  
 88 children who would otherwise be placed into foster care when there is  
 89 a family member willing to provide care; (2) maximizes federal  
 90 reimbursement for the costs of the subsidized guardianship program,  
 91 provided whatever federal maximization method is employed shall  
 92 not result in the relative caregiver of a child being subject to work  
 93 requirements as a condition of receipt of benefits for the child or the  
 94 benefits restricted in time or scope other than as specified in subsection  
 95 [(c)] (d) of this section; and (3) ensures necessary transfers of funds  
 96 between agencies and interagency coordination in program  
 97 implementation. The Commissioner of Children and Families shall  
 98 seek all federal waivers as are necessary and appropriate to implement  
 99 [this] the plan.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2007	17a-126
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**Statement of Purpose:**

To expand eligibility of the subsidized guardianship program to relative caregivers caring for children who are not in the care or custody of the Department of Children and Families.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*